



Buying a Car

Although just about everybody buys an automobile at some point in time, many people are wary of having to purchase a car. Fortunately, Pennsylvania has its Automotive Industry Trade Practices Regulations, which provide consumers with many protections when buying a car. These regulations cover numerous aspects of the car-buying process, from advertising to the condition of the vehicle.

Advertising and representations

One section of the regulations prohibits deceptive advertising and misrepresentation in describing a car and its price. Also, dealers must disclose certain defects or conditions. Advertisements must include:

- The business name and address of the car dealer.
- The year, make and model of the car.
- The conditions of sale, including the offer's expiration date and any limitations on the number of vehicles available.
- If the price is indicated, it must include all charges usual or necessary prior to delivery, such as freight, handling and dealer preparation charges (tax, registration and licensing costs need not be included).
- Any known defects existing in the frame, block, transmission, or differential; flood damage or inability to pass state inspection.

In addition, the regulations also contain detailed provisions about the written agreement given to you when you buy a car. Among these, the regulations require that:

- A copy of the written contract or agreement of sale, the installment sales contract, an odometer statement and the warranty be provided to the consumer.

- The contract must list the car as “new” or “used,” and, if “used,” must describe the vehicle’s prior usage.
- The contract must list itemized charges for any item not included in the purchase price.
- The dealer must deliver the car within the time specified in the contract or within eight weeks after the contract date.
- The dealer must honor the quoted trade-in allowance.
- An “As-is” notice must be in the car being sold without warranty.

With the advent of the Internet, there are now many tools available to consumers when pricing an automobile. Many services will list every new and used car price including the Manufacturer’s Suggested Retail Price (MSRP), invoice price, price of options and freight. Both retail and wholesale prices are listed for used automobiles which take into consideration condition, mileage, and options. Armed with this information, an educated consumer is less likely to become the target of a deceptive sales presentation.

There are many other requirements contained in the regulations. A copy is available upon request.

If you feel that you have been the victim of a violation of the laws governing auto sales, contact the Attorney General’s Bureau of Consumer Protection.

LEMON LAW PROTECTION

The Pennsylvania Automobile Lemon Law applies to any new vehicle purchased and registered in Pennsylvania for personal or family use and designed to transport up to 15 persons. Motorcycles, motor-homes and off-road vehicles are not included.

Under the law, the manufacturer must, at no cost to the purchaser, repair or correct any defect which substantially impairs the use, value or safety of the vehicle and which occurs within one year after delivery, or 12,000 miles of use, or the terms of the manufacturers express warranty, whichever comes first.

If the defect cannot be repaired after three (3) attempts, or if the vehicle is out of service for a total of 30 calendar days for repair, generally, you may be eligible for a replacement vehicle or the refund of the purchase price, less a limited allowance for use.

First, contact the manufacturer's zone representative at the telephone number listed in your owner's manual. If the zone representative is not successful in having the defect corrected, you may request an arbitration of your case through the manufacturer's dispute settlement program if one exists.

The arbitration decision is binding on the manufacturer, but not on the consumer, who may proceed further by bringing a private lawsuit.

If the manufacturer has not established an appropriate dispute resolution procedure, you may initiate a legal action at the outset.

Some important requirements of the law are:

- You are responsible for delivering the vehicle to the manufacturer's authorized repair facility unless it would be unreasonably difficult to do so.
 - In that case, you must give written notice to the manufacturer so that arrangements can be made for transporting the vehicle, at no expense to you, to a repair site.
- Each time your vehicle is repaired, the repair facility must give you a detailed statement, itemizing all repairs made, and the cost of parts and labor.
- Your rights under the law will not apply if the defect is the result of your abuse, neglect or alteration of the vehicle.

If a vehicle has been returned to the manufacturer for defects, it may not be resold in Pennsylvania unless the manufacturer provides the consumer with:

- A written statement that the vehicle was returned because of a defect which was not cured within a reasonable time, and
- The same express warranty provided originally, except that it may last only for 12,000 miles or 12 months after the resale date.

Vehicles with defective braking or steering systems, likely to cause death or serious bodily injury if driven, may not be resold in Pennsylvania.

ODOMETER ROLLBACKS

It is illegal to disconnect, reset or replace an odometer for the purpose of changing the number of miles on it.

Federal and state laws give protection to consumers who suspect they have purchased a car with a rolled back odometer.

According to law:

- When a vehicle is transferred, the new owner must be given a written odometer statement disclosing the car's true mileage at the time of transfer, the date of transfer, the buyer's and the seller's names and addresses, and the vehicle's make, year, body type and vehicle identification number.
- An acceptable disclosure statement is the Pennsylvania Certificate of Title. If this document is utilized, make sure you receive a copy of the completed title, both front and back. If the title is not available at the time of transfer due to a lien, a secure power of attorney can be used, but again, make sure you receive a copy of this document.
- It is illegal to: tamper with an odometer; sell, use or advertise any device for tampering; or operate a vehicle with a disconnected or non-functional odometer with intent to defraud.
- If the seller knows that the mileage has exceeded the 99,999 miles mechanical limit, he must provide that information to the buyer.
- One notable exception to the requirements for odometer disclosure is for motor vehicles ten years or older; however, this does not allow a dealer to make false or misleading statements about the mileage of the automobile.

Consumers who suspect they have bought a used car in which the odometer was rolled back should follow this procedure:

Write to:

Bureau of Driver Licensing
4th Floor, Riverfront Office Center
1101 South Front Street
Harrisburg, PA 17104-2516

In your letter, provide the serial number and the title number of your car and request a list of previous Pennsylvania owners.

There is a small charge for this information.

You will receive a photocopy listing previous title holders, their addresses, and in some cases, the car's mileage at the time of sale if PennDOT has such information available.

If PennDOT records do not disclose the previous mileage, contact the most recent previous private owner (not dealer) and ask how many miles were on the car when it was sold. If the mileage was approximately the same as when you purchased the car, you probably can dismiss your suspicions. To check further, contact the next previous owner for the mileage information.

Take Precautions:

- Know the reputation of the person or dealer from whom you are purchasing your car.
- Obtain the odometer mileage statement before completing the transaction.
- Don't fool yourself: a car that is ten (10) years old is unlikely to have only 10,000 miles on its odometer.
- For a fee, services are now available that will research the history of an automobile regardless of the state of origin or transfer.

If you believe your vehicle's odometer has been rolled back, find out as much information as possible through the above procedure and contact the Attorney General's Bureau of Consumer Protection.